

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

B.A.P., a minor child by and through )  
her parent, RICHARD PENKOSKI and )  
RICHARD PENKOSKI, as the parent )  
and legal guardian of B.A.P., )  
Plaintiffs, ) NO. 2:20-cv-00065  
v. )  
OVERTON COUNTY BOARD OF )  
EDUCATION, RICHARD MELTON, )  
and STEPHEN HENSON, )  
Defendants. )

**ORDER**

For the reasons stated on the record, the Court rules as follows: Plaintiffs' Motion to Substitute Proper Party Brielle Penkoski and Dismiss Richard Penkoski (Doc. No. 89) is **GRANTED**. Richard Penkoski's claims are **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(2), and the Clerk shall amend the case caption to reflect the sole Plaintiff, Brielle Penkoski.

Plaintiffs' Motion for Relief Under Rule 56(d) and Extension of Dispositive Motion Deadline (Doc. No. 119) is **DENIED**, for the reasons stated on the record. All deadlines remain unchanged, including the parties' October 6, 2023 deadline to file dispositive motions.

In consideration of the parties' limited settlement engagement, the parties shall participate in mediation no later than **November 17, 2023**. By **October 13, 2023**, the parties shall notify the Court of an agreed mediator and mediation date.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE